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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Report of the Secretary-General on effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

Introduction

1. In its resolution 1998/27, the Commission on Human Rights requested the Secretary-General to report to it at its fifty-sixth session on measures taken to implement that resolution, on the obstacles to its implementation, and on measures taken or planned to ensure financing, adequate staff and information resources for the effective operation of the human rights treaty bodies. The present report was prepared pursuant to that request. It complements the information contained in the reports mentioned in paragraph 3 below and should be read together with them.

Measures taken to ensure financing and adequate staff for the effective operation of the human rights treaty bodies

2. The functioning of the human rights treaty bodies is a dynamic process whereby methods of work are constantly being reviewed and revised to meet the challenges of new situations that arise in the course of their work, with the ultimate aim of improving implementation of the treaties. It should therefore be understood that providing adequate resources for the effective operation of the treaty bodies is an ongoing process, particularly as some treaty bodies are proceeding to undertake additional activities aimed at promoting national-level implementation.

3. In recent years, a number of analyses and studies have been undertaken on the type of financial, staff and information support necessary for their effective functioning. The final report of the independent expert of the Commission on enhancing the long-term effectiveness of the United Nations human rights treaty system, which contains a number of far-reaching proposals for reform of the system, was submitted to the Commission in 1997 (E/CN.4/1997/74). The Secretary-General, pursuant to decision 1997/105 of the Commission, undertook wide consultation on the recommendations contained in the report with Governments, United Nations bodies and specialized agencies, non-governmental organizations and interested persons. The results of that consultation, and the Secretary-General's own views on the legal and administrative implications of the recommendations, were submitted to the Commission at its fifty-fifth session in documents E/CN.4/1998/85, Add.1 and Corr.1. Pursuant to resolution 1998/27 of the Commission, the Secretary-General has embarked on a second round of consultations on the report of the independent expert; the report on those consultations is before the Commission at its present session in document E/CN.4/2000/98.

4. In response to requests by the eighth meeting of chairpersons of the treaty bodies, a detailed account of the necessary staff resources to support the work of the treaty bodies in relation to their current methods of work was submitted to the ninth meeting of chairpersons in 1998 (HRI/MC/1998/4). In addition, a study is being prepared with the encouragement of the High Commissioner for Human Rights on the effectiveness of the treaty system.

5. Notwithstanding the difficulty in defining the precise level of resources that could be considered optimal secretariat support, these studies point to a common conclusion that current levels of support are inadequate to deal with the growing workloads faced by the treaty bodies. Consequently, despite the stringent budgetary constraints faced by the United Nations system as a whole, provision has been made in the budget for the biennium 2000-2001 for the recruitment of two additional staff members to work with the Geneva-based treaty bodies and temporary assistance has been hired to address the backlog of communications awaiting response. These include communications submitted in the Russian language which have heretofore been left unattended to owing to a lack of staff with the specialized legal and linguistic backgrounds necessary to deal with them.

6. The Secretary-General and the High Commissioner for Human Rights are also seeking additional resources for the treaty bodies from extrabudgetary sources. At the request of the treaty bodies concerned, the High Commissioner has proceeded to seek additional resources through plans of action to strengthen the implementation of the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights. The additional staff recruited thus far under these plans of action have allowed the sessions of the concerned treaty bodies to be more thoroughly and efficiently prepared, as well as enabling better conduct of inter-sessional follow-up on such important matters as cooperation with treaty body partners.

7. Based on the positive experience of these plans of action, the High Commissioner has developed, at the request of the annual meetings of chairpersons and in consultation with their eleventh meeting and the members of the treaty bodies concerned, a plan of action to strengthen the implementation of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This plan

was finalized in November 1999. The main elements of the plan will form part of an appeal of the High Commissioner for extrabudgetary resources for the year 2000, as is also the case with the plans of action to strengthen the Convention on the Rights of the Child and the International Covenant on Economic, Social and Cultural Rights.

Measures taken to ensure adequate information resources for the effective operation of the human rights treaty bodies

8. The Research and Right to Development Branch of the Office of the High Commissioner for Human Rights (OHCHR) is responsible, inter alia, for developing, harmonizing and maintaining databases aimed at maximizing the efficiency of the electronic storage and retrieval of data and full-text documents, as well as maintaining the OHCHR Web site, through which all public information from these databases is made available to the general public. Towards this end, the Office has considerably strengthened its technical capacity in terms of equipment, software and technical staff. Members of the public with interest in the treaty bodies are among the principal beneficiaries of the new structure, since input to the treaty body database can now be systematically and rapidly updated and a prototype of a database for communications has been developed which, as with the treaty body database, will enable retrieval of both simple facts (such as dates of submissions) and full-text public documents.

9. Improvement of these databases is a continuous process, as suggestions by users are received and new technologies make further advances possible. A number of specific activities have been suggested for improving the treaty body database and operationalizing the communications database as soon as possible. These are intended to make both databases more useful to the treaty bodies and their secretariats by automating various routine processes and maximizing the accessibility of treaty body documents to the general public. Continued strong progress in this area, however, will depend on the availability of adequate resources.

Assistance provided to States parties in regard to the preparation of reports

10. As of 30 November 1999, the number of initial reports that were overdue under the various treaties ranged from 20 to 60, with the States concerned representing from 15 per cent to as much as 42 per cent of the parties to the relevant treaties. While the great majority of these reports were due in the 1990s, there are some reports that are more than 20 years overdue. The high number of initial reports that are overdue is cause for serious concern.

11. The technical cooperation programmes of the United Nations in the field of human rights address needs for assistance, upon the request of States, through regional, subregional and national training workshops on reporting under the treaties. Requests for such workshops have increased significantly in recent years and the benefits of past experience are reflected in the training methods and materials that have been developed for use in those workshops. In addition, the United Nations fellowship programme in the field of human rights continues to be dedicated to training in reporting under the treaties. The report of the Secretary-General to the Commission on advisory services and technical cooperation in the field of human rights (E/CN.4/2000/105) contains details of these activities.

12. In 1999, a new tool became available that can aid States in need of assistance with regard to their reporting obligations. A programme entitled "Human rights strengthening" (or "HURIST") was developed jointly by OHCHR and the United Nations Development Programme (UNDP) to implement the Memorandum of Understanding concluded between the two institutions in March 1998. HURIST will make funds and expertise available, at the request of Governments and field offices of UNDP and OHCHR, for a wide variety of human rights-related activities at the national, subregional and regional levels. These may include training on human rights reporting and there are already strong indications of interest for such projects.

13. Most of the treaty bodies continue, as a standing item on their agendas, to examine ways in which the reporting process can be rationalized and simplified, including by revision of their reporting guidelines and focusing on the major issues in the lists of issues on State reports which are sent to States parties prior to the examination of their reports.

14. In this regard, States parties are reminded that they can, if they wish, already follow certain practices that can reduce duplication in reporting. States may submit once, in a "core document", general information on the land, people, structure of government, etc. that would otherwise be presented in the general part of their reports under all of the treaties. In addition, members of the treaty bodies and the secretariat can more easily draw upon information presented to other treaty bodies with the development of modern electronic information management and retrieval systems in the United Nations system, most notably through the Internet. States parties would benefit from making cross-references in their reports wherever possible to information already submitted to other treaty bodies, rather than repeating it in several reports.

Publication of the revised Manual on Human Rights Reporting in all the official United Nations languages

15. In its decision 1998/252, the Economic and Social Council approved the Commission's request to the United Nations High Commissioner for Human Rights to take the necessary measures to ensure that the revised Manual on Human Rights Reporting is translated into all the official United Nations languages by 31 December 2000. Versions of the revised Manual currently exist in the English and Spanish languages and are used extensively by the United Nations in training programmes relating to reporting under the treaties. A preliminary translation has been undertaken into Russian but editing and production has been halted by lack of funds. Pursuant to decision 1998/252 of the Economic and Social Council and resolution 1998/27 of the Commission on Human Rights, efforts will be made to publish the Russian version and translate the Manual into French, Arabic and Chinese by the end of the year 2000, subject to availability of funds.